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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,490	12/18/2001	Shin Gakuji	71360-56819	2792

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EXAMINER

NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/29/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,490

Applicant(s)

GAKUJI ET AL.

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claims

1. Claims 1-20 are pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

3. The abstract of the disclosure is objected to because it is more than 15 lines in length. Current practice before the US{TO calls for an abstract that is no more than 150 words or 15 lines in length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

What does "said olefin-based thermoplastic elastomer (A) being obtained by producing the component (A2) by polymerization subsequent to the production of the component (A1) by polymerization" mean? Is the character/function of the polymer blend changed because A1 is polymerized earlier than A2 is?

Please clarify the claims.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-6, 8-14, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wouters (US 6,372,847).

Wouters teaches airbag covers (col. 1, lines 25-26) made from compositions comprising a propylene homopolymer (col. 4, line 36 and line 57) mixed with one or more (col. 13, lines 54-59) propylene/ethylene copolymers (col. 5, lines 5-18) and ethylene/olefin-based copolymers (col. 8, lines 31-60). Isotactic polypropylene is taught at col. 4, line 67 through col. 5, line 4. Polypropylene matrix with elastomer and filler in dispersed phase is taught at col. 1, lines 15-16. Sequentially made copolymers (col. 4, lines 37—40) and talc (col. 9, line 5) are disclosed.

Neither the amounts of all of the ingredients claimed nor all of the claimed properties are taught in Wouters.

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The selection of (co)polymers having suitable properties and their use in suitable amounts is deemed a matter of optimization and determinable by routine experimentation.

9. Claims 7 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wouters as applied to claims 1-6, 8-14, 17 and 19 above, and further in view of Oda (US 6,045,152).

Wouters is discussed above. It fails to teach softeners and styrene-based copolymers in its airbags.

Oda teaches, in its abstract, styrene-based copolymers and paraffinic oils, as components of compositions useful in making airbag covers (title). Mineral oils, in amounts of 5 to 50% (line 62) are disclosed as softeners (col. 4, lines 41-67). The Oda compositions produce airbags having good expansibility and fragment scattering resistance (col. 1, lines 11-14).

The patents are analogous because they both deal with airbags.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the styrene-based polymers and softeners of Oda in the compositions of Wouters in order to make airbags having improved properties.

The motivation to employ the styrene-based polymers and softeners of Oda in the compositions of Wouters is found at col. 1, lines 11-14 of Oda, where the expansibility and fragment scattering resistance of airbags made from its compositions are discussed.

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It is deemed desirable to make airbags having expansibility and fragment scattering resistance in order to improve the effectiveness of the bags and minimize the risk of harm to passengers.

10. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wouters as applied to claims 1-6, 8-14, 17 and 19 above, and further in view of Sato et al (US 6,210,797).

Wouters is discussed above. It fails to teach a groove in the airbag.

Sato teaches, in its claim 1 (col. 13, lines 19-21), a groove in an airbag that makes the bag tear easily with expansion of the bag.

The patents are analogous because both deal with airbags.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the grooves of Sato in the airbags of Wouters in order to facilitate the tearing of the bag when it expands.

The motivation to employ the grooves of Sato in the airbags of Wouters is found in claim 1 of Sato, where the groove is taught to facilitate the tearing of the bag when it expands.

It is deemed desirable to make airbags that tear when they expand so that the expanded bag and/or its contents can effectively protect the passenger using it.

Citation as of Interest

11. Akaike et al (US 6,476,139) is cited as of interest as teaching the use of softeners in analogous compositions for making airbags.

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Conclusion

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/305-5436. The fax number for after final communications is 703/872-9310. The receptionist answers 703/308-0661.



S. M. Nolan
Patent Examiner
Technology Center 1700

SMN/smn
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